REMARKS
ON A
PAMPHLET,
ENTITULED,

The Thoughts of a Member of the Lower Houſe, in Relation to a Project for Reſtraining and Limiting the Power of the CROWN, in the future Creation of PEERS.

The SECOND EDITION.

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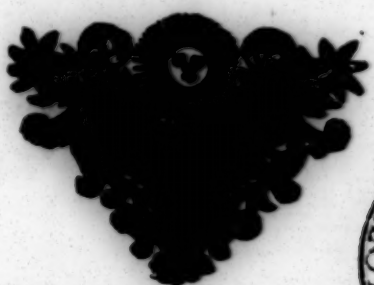

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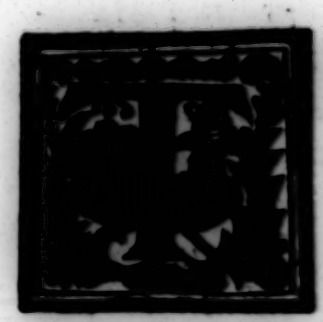
REMARKS *on a Pamphlet, Entituled,* The Thoughts of a Member of the Lower-Houſe, *&c.*



THE Difference in Opinion betwixt me, and the Perſon who writes this Pamphlet, conſiſts in this, We agree in a juſt Deteſtation of the Fact complain'd of, *viz.* the making a Number of Peers at once to over-rule a Majority in the Houſe of Lords; but we diſagree in this; The Author ſuppoſes a Natural and Proper Remedy to the Evil, which I cannot think ſufficient, and which Experience has ſhewn ineffectual. The Remedy which is now providing by an Act of Parliament, before the Lords, cannot be denied to be of ſufficient Force; but he ſuppoſes it in other Reſpects ſo dangerous to the Conſtitution, that it ought not to paſs into a Law. I ſhall endeavour to ſhew that his Fears are groundleſs, and that this Act, ſo far from deſtroying, muſt ſtrengthen and confirm our Conſtitution, and ſupport our Liberty.

It were an Injury to him who writes this Paper, as well as to thoſe who read what I have to offer, if I ſhould give this Gentleman's Senſe in other Words than his own; I therefore tranſcribe ſome of his Lines exactly; theſe, and few other Paſſages, will bring the whole Matter fairly in Debate.

This Gentleman having confeſs'd that the Prerogatives of the Crown are liable to be abuſed, and have been ſo in a late glaring Inſtance, he proceeds, *But the proper Remedy to the Evil, is to puniſh the Authors and Adviſers of the Abuſe, and not deſtroy the Conſtitution for an Enormity of one Part of it. Perhaps it is a proper Object of the Legiſlative Power, to conſider, whether any Men ought to enjoy the higheſt Privileges and Honours in a Common-Wealth, for their endeavouring to deſtroy it. But with all the Clamour this Grievance has produced, has there been any Thing like this attempted? No: On the contrary, the Grand Criminal ſits triumphant, glories in his Wickedneſs, and carries off the Price of it: Even that daring Miniſter durſt not have ventured upon ſuch an Action, if he had not had a Houſe of Commons to ſupport him in it.*

If I endeavour to anſwer this Paper, by ſhewing the little Force of ſome Objections which are made to this Act that is now depending in the Houſe of Lords, for reſtraining and limiting the Crown in the future Creation of Peers; I flatter my ſelf I ſhall write without ill Manners or Violence. Having followed the

the Author from the Beginning to the End of his Pamphlet without Prejudice, I am apt to believe we may carry on our Diſpute, without the Spirit of Prieſtly Contention; it ſeems to me we have the ſame Principles, the ſame Views.

I am ſenſible 'tis a Gentleman who writes, a Friend to Virtue, an Enemy to Vice, a Lover of his Country; one zealous for maintaining the Conſtitution of it, and to whom the Whiggiſh Principles are not diſagreeable. We cannot differ then in Fundamentals; but I conceive his Fears upon this Occaſion, in regard to the Conſtitution, are groundleſs and imaginary, and ſomewhat like the Effects of Jealouſy, which only ariſe from too much Love and Caution.

Whether this Perſon be a Member of the Lower Houſe, or aſſumes the Character, is not to the Purpoſe; the Opinion I have of him by what he writes, makes me wiſh that Aſſembly were always compoſed of Men of the ſame way of Thinking; if ſo, it is evident that thoſe bold Offenders, who have ſo ſcandalouſly abus'd this Prerogative, could not have eſcap'd unpuniſh'd: But if upon the moſt violent Abuſe of this Kind Hiſtory ever afforded, this natural and proper Method has not taken Place; if a Houſe of Commons, ſo full of Indignation againſt the Crime committed, prov'd ſo indulgent to the Criminal; ſure little can be ſaid to incline us to depend upon the Remedy propos'd.

We all think alike of that laſt Abuſe of this Royal Prerogative; and yet notwithſtanding, it ſo happens, that Perſons (no way tender of the Prerogative of Kings) are become ſtrangely zealous for the Preſervation of this. I cannot conceive it proceeds from particular Reſpect to Monarchy. It is new indeed, and very extraordinary, to find Whigs oppoſing a Reſtraint to Royal Authority: And nothing more ſurprizing could happen, did we not ſee at the ſame Time, a King willing to limit that Authority for a Publick Good. But a Prince willing to part with Power, and Whigs unwilling to permit it; theſe are Riddles indeed in *Engliſh* Politicks, but ſuch as are eaſily explain'd.

I ſhall offer but Two Arguments to prove the Diſappointment we might meet with, if we depended upon this proper Remedy of Parliamentary Puniſhment. A Remedy never ſo proper for the Diſeaſe, will do the Patient little Good, if it cannot be come at: The firſt ariſes from this Author's Aſſertion, the other from my own Obſervation. If his daring Miniſter, (as he ſays) *durſt not have ventur'd upon ſuch an Act, if he had not had a Houſe of Commons to ſupport him in it*; give me leave to ſay, he has given it for granted, that a Houſe of Commons is capable of ſupporting a Miniſter in the moſt ſcandalous Attempt.

To this Fact which he affirms, let us join another which no Body can deny, and there will remain little Doubt as to the Point in Queſtion.

One

One Set of Men, or Party in the Houſe of Commons, were capable of ſupporting ſuch an offending Miniſter, *as without deſcribing, occurs to our Thoughts upon this Occaſion.* Another Set of Men, and a different Party in the Houſe of Commons, ſuffer'd ſuch an Offender to go unpuniſh'd. 'Tis plain then from what he declares, and from this Example, too recent and notorious to be out of our Minds, that we have little or nothing to expect from this proper and natural Remedy.

The other Reaſon why I never expect to ſee a Great Man, though a great Tranſgreſſor, puniſh'd in Parliament, is this, Becauſe I look upon it as a Perquiſite of the ſucceeding Miniſtry, the abſolving the preceeding Criminals. I conceive then, that it appears manifeſtly upon the preſent Foot, both from Reaſon and Experience, that Miniſters, without great Temerity, may venture again upon this, or any other the like Enormity, and have nothing to fear but an Impeachment from the Houſe of Commons; which I compare to a great Wind whiſtling amongſt Trees, making a Noiſe amongſt them, but blowing none of them down.

I am ſenſible I have been repetitious upon this Head; but when a Remedy is propos'd as natural, which hardly ever comes to paſs; as proper, which ſcarce ever is put in Execution; ſuch an Aſſertion ſo little ſuſtain'd, which however is to carry (as it were) the Cauſe cannot be too much expos'd.

But this (if I judge not amiſs) is directly to the Point in Queſtion, and very material: If a Houſe of Commons can be ſo abandoned to a Firſt Miniſter (as this Author ſeems to allow) even to countenance him in his Crimes; if the Power of Miniſtry be ſo venerated in that Aſſembly, that even when the Male-Adminiſtration is abhorr'd, the evil Inſtruments are acquitted; if one may ſay of Miniſters, as *Denham* ſaid of the Quaker, though the Devil trapan the *Adamical* Man, the Saint ſtands uninfected; when the Grand Inqueſt of the Nation remains uſeleſs to the Publick, in this principal Part of their Duty, by ſome ſtrong, tho' not unknown Influence; if in ſuch a Situation of Affairs, a Method is propos'd, by which the Houſe of Lords may become leſs depending upon the Crown or Miniſters, I ſhould think the true Lovers of their Countrey ſhould embrace the Expedient, unleſs it be attended with very fatal Conſequences. Thoſe who oppoſe this Bill, pretend no leſs than Alterations which ſubvert the Conſtitution; but in my poor Opinion, all who write upon this Subject, firſt beg the Queſtion, and then draw moſt terrible Conſequences, but from no juſt Foundations.

Before I anſwer that Part of the Gentleman's Paper, where he pretends to ſhew what our Condition might be by the Alterations this Act of Parliament would produce in our Conſtitution, I muſt ſay ſomething as to the State we are now in; ſince thoſe Laws are paſs'd, which (in Words only) have united the Two Nations;

Nations; and I cannot in the leaſt doubt but it will appear, ſome Alterations are neceſſary, unleſs Civil Wars and their Conſequences are deſirable.

For the faſhionable Prejudices to Alterations and new Laws, in the general Senſe, nothing ſeems to me more abſurd. This Idea would almoſt make Parliaments uſeleſs: Were they not to improve and ſecure the Conſtitution by ſomewhat new, they would have nothing to do, but to lay Taxes on the People; which Situation would ſoon make them diſagreeable. Even in the Hands of the Deity, Perfection ſeems to be the Work of Time: Omnipotence fram'd the World by Degrees; and certainly of human Labours, none of them have been brought to Perfection at one Stroke, but by repeated Amendments and Alterations. Whether theſe which are now propos'd, are proper or dangerous, helpful or detrimental to the Publick, will beſt appear from a ſerious Conſideration of what is offer'd from both Sides.

Tho' I can no Ways agree with thoſe who foreſee the ill Conſequences that may ariſe from this Act of Parliament; yet I will confeſs the Motives muſt be very ſtrong, which induce ſo many different Intereſts and Inclinations to the paſſing of it. A King without Bargain parts with Prerogative; *Engliſh* Lords increaſe the Number of *Scotch* Peers in their Houſe, and make them Hereditary; the Commoners agree to what is advantagious to Lords, with-

out any Benefit to themſelves: Tho' all this ſhould (well underſtood) appear to be for the publick Good, yet I confeſs it will ſurprize the World, that the beſt Project ſhould ſucceed, attended with the Prejudices of Novelty and Difficulties, which at firſt Sight ſeem to have Weight: Even the Probability of its paſſing, is owing, in my Opinion, to the extreme Neceſſity of this Law, or ſomething that may have the like Effect.

If this Act take Place, it is a ſtrong Proof of what I preſume to aſſert, That no Countrey was ever in worſe Circumſtances; ſince the Union of the Two Nations muſt prove the Ruin of Both, if the Errors, which perhaps were unavoidable, in the bringing us together, be not amended, or capable of Amendment.

If we conſider ſeriouſly, there will appear the higheſt Abſurdities in our preſent Frame: We are like a Ship built of Old and Green Timber, ſo ill patch'd together, that we muſt founder in the firſt Storm. And there is nothing more ridiculous, than to ſay, the Legiſlature ought not, cannot, ſhall not ſave Two Nations in the extremeſt Danger, by proper Alterations in the known and uſual Methods of the Conſtitution; if ſo, this becomes the proper *Motto*, tho' a ſtrange one indeed, for a Parliament, and the Supreme Authority,

Video meliora proboque, deteriora ſequor.

The Union was ſcarce in Being, but it was the common Diſcourſe and general Opinion, that

that the Articles of it, in regard to the *Scotch*, were ſuch, as would oblige that People, upon the firſt Occaſion, to take up Arms in order to diſſolve it. A dangerous Rebellion has ſince prov'd this to be true: And there is no Perſon who will not confeſs, there are fair Probabilities of another at this Time; all owing to the miſtaken Terms of the Union.

Whenever a general Diſcontent appears, it is to be fear'd there are Reaſons for it; but in this Caſe, they are obvious and plain. The greateſt Error in this ill-adjuſted Scheme with *Scotland*, I take to be this, That the Hardſhips (inevitable perhaps at firſt) are ſuch as never can have an End. A People may bear ſome preſent Damage with Patience, for a publick Good, and for future Advantage; but Men of Spirit, ſubjected to National and Perpetual Injuries, will never ceaſe to reſent them, and never loſe any Opportunity to eaſe or revenge themſelves. When there is a Proſpect of a Remedy, notwithſtanding it be a remote One, there is Room for Patience. Tho' the preſent Age cannot have the Benefit propos'd, there is imprinted in Human Nature, a neceſſary Tenderneſs for Poſterity, but *NEVER* is a very diſagreeable Word; and an Injuſtice remedileſs in the natural Motions of a Government, muſt occaſion ſome convulſive ones, fatal to the Conſtitution and the Countrey.

In a word, whoever is for ſtrictly adhering to the preſent Terms of Union; whoever is of Opinion, that the viſible Miſtakes in thoſe in-

judicious Laws, are not to be amended by the Legiſlature, I declare him a damn'd Papiſt in Politicks; for he is placing an Infallibility in the Makers of thoſe Laws, more prejudicial to the State, than the Infallibility of the Pope to true Religion; he is alſo ſecuring to all Pretenders whatſoever, whether ſupported by *Spaniards*, *Swedes*, *Muſcovites*, or *Turks*, the Nation of *Scotland* ready to take Arms upon all Occaſions, and to all Ages.

If any Argument have Weight in this Matter, and can be ſaid to be truly ſtated, it is the Difficulty or Injuſtice of taking from ſome Perſons, innocent and unheard, what they have a Right to. But if this Law do not paſs, it is not a Part of the Nobility of *Scotland*, but the Whole, that remain under a perpetual Grievance and Injury. No *Scotch* Peer, from the firſt to the laſt, can ever be a Peer of *England*, [ſo it is adjudged by the Houſe of Lords;] but by the preſent Project Five and Twenty are admitted, (ſuch as indeed they ought to be) who ſit in a Houſe of Parliament, at leaſt as free and independent as their Fellow Peers; and all the Families at preſent excluded, are ſecure of the ſame Honour in Time; ſince thoſe Extinct are by Obligation to be fill'd up out of the remaining Nobility. The pretended Hardſhip to the Electing *Scotch* Lords, is in truth, and when conſider'd, a Favour to them; but ſuch an one as will never be received by thoſe diſaffected to the Government, which I fear are not few in Number: So that Conſent, however deſirable on this Occaſion,

caſion, cannot be expected. The Truth is, all was againſt Nature in the firſt Conception, and conſequently the Birth muſt prove monſtrous; neither can ſo many Irregularities be cured by Methods without ſome Exceptions.

By what this Act would remedy, tho' all could not be pleas'd immediately, the moſt conſiderable, and the moſt dangerous Body of the *Scotch* Nobility would be ſatisfied, and there would be a Time when all diſuniting Circumſtances would ceaſe. But were the Streams of Union to flow to Eternity in the preſent Channel, they could never make one River; the Waters would run unmix'd to the End of Time: The Law propos'd, is the only Expedient to make One Nation of Two, uniting in one common Intereſt the Extremes of *Britain*.

When I am ſpeaking of the Incongruities of the Union in reſpect to *Scotland*, I muſt, in few Words, repreſent the Indecencies that are notorious; the Prejudices that are occaſioned to our *Engliſh* Conſtitution by ſome Parts of it, thoſe particularly which are now endeavour'd to be amended by this Bill.

A Perſon curious to be inform'd of our Government, when he was told of a Number of Elected Lords ſitting with equal Authority amongſt Hereditary Peers, his firſt Queſtion wou'd be, By whom are they Elected? When he is made acquainted, that their immediate Generation is from the King and Miniſters; that they are Lords at Pleaſure only, and upon their good Behaviour; that they die in a ſhort

time

time like Inſects, and can revive no more, but by the Sunſhine of the Court.

The very ſtating the Caſe is ſufficient; ſure there does not want Arguments againſt what ſeems ſo monſtrous, ſo ſhameful, and ſo very prejudicial to the Freedom and very Being of a Houſe of Parliament. As theſe *Scotch* Lords are received with Diſguſt by the *Engliſh* Peerage, ſo they ſit amongſt them with Indignation. As the *Engliſh* reſent being oblig'd to admit Companions without Freedom, ſo the Peers of *North Britain* groan under the Burthen of their Dependency. Are theſe fit Gueſts for the Houſe of Lords? How fatal would it be, when a Remedy is at Hand to ſuch Abſurdities, if Paſſion, miſtaken Self-Intereſt, and Pride ſhould diſappoint us of it?

It cannot be conceived, a King, how gracious ſoever, how little deſirous of unneceſſary Power, that he ſhould wantonly toſs away what ſome pretend ſo eſſential a Part of his Prerogative. With all poſſible Reſpect alſo to the preſent Miniſters, I cannot ſuppoſe, that the Averſion to the Power of influencing in Houſes of Parliament, was the only Motive to the preparing this Act: In my Opinion, it was a due Conſideration of the dangerous Condition we are in, that made them think of providing ſome Remedy to the impending and neceſſary Miſchiefs.

The Preſervation of our Wealth, Quiet, Liberty and Religion, I take all this, in a great Degree, to depend upon the Fate of this Bill; that

that is, I firmly believe, unleſs the Conditions of the Union may be ſo amended, as that the *Scotch* Nation may not remain under an Eternal Diſpoſition, I had almoſt ſaid Obligation, to rebel, that ſooner or later all that is dear to us will be ſacrified to our preſent Paſſions of Obſtinacy and Pride.

A Civil War muſt enſue; and let *Engliſhmen* conſider, that the Contending Princes muſt ſupport different Religions, different Principles, and differing Parties; and to fight their Quarrel, muſt introduce into this miſerable Country almoſt as many Sorts of Deſtroyers, as there are Nations in *Europe:* This indeed will prove, *pluſquam Civilia Bella.*

If a King then, urged by theſe Neceſſities, is willing to part with a great Prerogative; when Miniſters (forgetting that the Influence of the Crown is leſs often made uſe of for the Prince, than the Favourite) act ſo like Patriots; ſhould not every Part of the Conſtitution imitate the Generoſity of the Prince, and follow the good Example (once) given by Stateſmen: Were it not ſcandalous for any Body of Men to oppoſe, what only can prevent thoſe Tragick Scenes I have mentioned? And were there ſome private Intereſt at Stake, (which is not the Caſe) ſhould it not be ſacrificed to this Publick Good, and to ſuch preſſing Neceſſities.

From what has been ſaid, it is plain, that unleſs proper Remedies be made uſe of, as we live (*to my Regret*) under Septennial Parliaments, ſo we muſt live under Annual Rebellions. However,

ever, tho' it were to prevent Eternal Taxes, to prevent Numbers of Troops, which in dangerous Times will ever be demanded and allowed; were it to prevent all that can be imagined of Evil, yet I proteſt I would not promote this Bill, if ſuch Conſequences as are pretended, could follow from it. It is time therefore to conſider that Part of the Pamphlet, where theſe terrible Events are foretold.

There are many declamatory Objections publiſhed againſt this Bill. One Author declares, If this Bill paſſes, that this well-form'd Monarchy degenerates immediately, not only into an Ariſtocracy, but even into the worſt Sort of that bad Kind of Government; and repreſents (but very little to the Purpoſe) all the Defects of Ariſtocratical Dominion.

The Writer, whom I particularly apply my ſelf to, ſuppoſes *ſuch an Exorbitancy of Power to accrue to the Lords by this Bill, to which there can be no Limitation, but what flows from their Lordſhips Juſtice, Moderation, and Satiety of Power.*

Our happy Government is truly repreſented by all of them, as a Mixture of Authorities counterbalancing one another; but all of a ſudden, the weakeſt and leaſt dangerous Part of that Conſtitution is made capable of overturning the other Two; tho' there be no uſeful Authorities taken from the Crown, no Privilege nor Right taken from the Houſe of Commons, nor any real Power added to the Lords to make them thus formidable.

In the Front of a terrible Paragraph you will find theſe Words. *If this Prerogative is taken away, the Houſe of Lords will be a fixt independent Body, not to be call'd to account like a Miniſtry, nor to be diſſolv'd or chang'd like a Houſe of Commons; and nothing can ſtand before them.*

I muſt in courſe enumerate all the other extravagant, ridiculous, and impoſſible Feats that are to be perform'd by the Lords after the paſſing this Act. But why, and to what purpoſe they ſhould engage in ſuch Attempts, or how, and by what means make them ſucceſsful; of this there is not one Word, and nothing ſaid to ſhew the probability, or poſſibility of ſucceeding in ſuch *Don-Quixot*-Undertakings.

I give a Liſt of them in the Authors own Words, and at the ſame time take the Liberty to ſay, that this part of the Pamphlet ſhews more of the Writers ill Humour, than Judgment. *If their Lordſhips ſhould take it into their thoughts to diſlike the Miniſtry, and commit them to Priſon, I would willingly know who ſhall fetch them out. Or if the Houſe of Commons ſhould be ſo unwary as to give them Offence, and their Lordſhips think fit to declare they could act no longer in concert with a Body of Men who had uſed them ſo ill; 'tis evident the Crown muſt exert its Authority to chuſe another more to their Lordſhips fancy, and afterwards uſe its utmoſt Efforts to keep them in a becoming Complaiſance to their Betters. If they ſhould reſolve to have all the*

great Employments of England *in themſelves and Families; or ſhould take a Conceit to be like the Nobles of ſome other Countries, to pay no Taxes themſelves, and yet receive the greateſt part of what is paid by others in Salaries and Penſions: I would ask the Advocates for ſuch a Law, what recourſe the Crown and People have?*

A few of the ſecond-rate and ſelfiſh Arguments I ſhall juſt mention. There is a great Apprehenſion expreſt, that this Act will place the Lords in a Situation of craving and obtaining more Places, of ingroſſing all other Honours, as that of the Garter to themſelves.

This miſtaken Notion is flung in amongſt the reſt, *that the Crown* cannot debaſe the Nobility and make it cheap, without leſſening its own Authority and Power.

One would think by the general Turn of theſe Pamphlets, that all Kings and Miniſters had been lately prepar'd to ſing in Concerts; they are repreſented ſo tame and ſo harmleſs, that it becomes as unneceſſary to provide againſt the influence of Courts in Parliament, as unjuſt to deprive the Miniſters of the Opportunities of giving ill Advice: but Lords, (Heavens protect us!) are ſuch terrible Creatures, that one Grain more added in their Ballance, makes them Omnipotent and Irreſiſtible, and capable to toſs the King and Commons in a Blanket; as they ſerve a Scoundrel who cannot pay his Bett in a Cock-Pit.

I ſhall not contend with this Gentleman in favour of *Ariſtocratical* Government; God forbid there ſhould be no Limitation to the Power of the Peers, *but what flows from their Iordſhips Juſtice or Safety of Power*; God forbid there ſhould be no Limitation to the Power of the Commons, but what proceeds from their Incorruptneſs and Moderation: We will allow all good Qualities to thoſe who compoſe theſe Auguſt Aſſemblies, as far as Men with human Paſſions are capable of them, but will not (depending on their Vertues) bate one Inch of any ſort of Limitation or Reſtraint, by which Evil may be prevented and the Conſtitution ſecur'd: Neither can we juſtifie it to our Country or Poſterity, if we loſe any Opportunity by which our Government can be improv'd and better defended. But beſides thoſe Securities we have, if more or better were to be obtain'd, or thoſe we are poſſeſs'd of improv'd; I underſtand not the Policy which can incline any Society of Men, or any particular Perſon to oppoſe an Alteration if beneficial, only becauſe 'tis an Alteration.

The degrees of Evil betwixt *Ariſtocracy* and *Democracy* are little to the purpoſe; natural things are often improv'd by mixtures of different Ingredients, and a Lover of the *Engliſh* Conſtitution ſhould remember that the Drams of *Ariſtocracy* and *Democracy*, which are flung into our Compoſition, are the Antidotes againſt that Poiſon of Tyranny, with

which at preſent almoſt the whole World is infected. And if our Government conſiſts of ſeveral Branches, (no matter what Titles we give them) it were hard to find out what is really good for one part, which would not be advantageous to the whole, or what is bad for one part, that is not detrimental to the others. If we examin the matter in queſtion theſe ſeveral ways, I perſuade my ſelf, we ſhall ſoon determine whether the Project be good or bad.

Without enlarging upon the nature of our Conſtitution, which might ſhew how little to the purpoſe are the *Lacedemonian* and *Daniſh* Examples; it would ſuffice to ſay, it would be better in all reſpects, that it conſiſted but of one Branch or Authority than of many; unleſs the different parts of the Government were calculated to be a proper Ballance one againſt the other; if there was not force enough for a regular ſufficient and decent Oppoſition in the ſeveral parts of this Compound Government, it would be liable to many Objections: Whereas upon this Suppoſition it is allow'd to be the beſt of all, no one part of this Government muſt be permitted like *Moſes*'s Serpent, to be capable of devouring the others. A weak and inſignificant Conteſt would be detrimental to Action, and no Conteſt would be fatal to Liberty.

I muſt now beg leave only in few words to turn the Phraſe; Is not influence and force in either Houſe of Parliament the Diſſolution of Govern-

Government? Is not a Violation of the Rights of one Houſe, a Breach upon the other, and an Injury to the whole Frame? Is not an Inundation of Lords into the Upper-Houſe, and Numbers pour'd in upon them at once to ſerve a Turn, deſtroying the very nature and being of Parliaments? Is not a defeating the Uſe, Deſign, and Properties of a Parliament, an Injury to the Houſe of Commons? How comes it about then, there ſhould be ſuch a ſeparate Intereſt, in ſo eſſential a Point to Liberty?

It were abſurd to ſay, This Act of Parliament would not make the Houſe of Lords in ſome Circumſtances more free, and leſs dependent on the Crown and Miniſters; at leaſt theſe Writers muſt not diſpute it, who offer it in their Papers as an Argument againſt it. If Freedom and Independency in Houſes of Parliament be now ſuppos'd prejudicial to our Conſtitution, it is a Doctrine new (at leaſt amongſt the *Whiggs* to this Day) and very fooliſh have been the Endeavours of many Patriots and Wiſe-men, who have done their utmoſt to introduce Self-denial and qualifying Bills, for preventing the influence of the Court in the Houſe of Commons.

But ſhall it be taken for granted, that Independency and Freedom are proper and ſafe in a Houſe of Commons, yet improper and unſafe in a Houſe of Lords? I flatter myſelf, that calm reaſoning will over-throw the brighteſt Sophiſtry; and who is there, that in plain

Engliſh

Engliſh will offer to aſſert, Freedom in the Houſes of Parliament not to be the main ſupport of Property? If ſo, who can deny that the better ſecuring of Liberty in one Houſe, is an advantage to the other, and an Improvement and Security to the whole Conſtitution.

But perhaps it is not unneceſſary to explain the Independency in queſtion. As long as the Conſtitution laſts, there never can be in either Houſe an Independency from the Crown; neither ſtrictly ſpeaking, can the Crown be independent from the Parliament or the People; but what is meant by Independency is this, That every part of the Conſtitution ſhall have the free Exerciſe of their proper Functions, without Lett or Hindrance; and whatever obſtructs theſe Operations, proper to the ſeveral parts of our complicated Government, as ſoon as it is perceiv'd or found out, it ought to be remov'd by the Legiſlature: and whatever helps the Crown or the Houſe of Parliament in the proper Exerciſes of their mutual Privileges and Authorities; that ſhould likewiſe by the Legiſlature be ſtrengthned upon all occaſions and confirm'd.

But I never met in all the Papers that ever came to my Hands, the like Rhapſody of Notions flung together, which appear in theſe writ upon this Occaſion; as if it were only to confound our Underſtanding: In this weighty Article, *The Houſe of Lords will be a fixt independent Body*, &c. what is meant? Are they to be underſtood independent and dangerous becauſe

becauſe their Numbers are fixt? This I deny, tho' it is what the Author would inſinuate, yet when he undertakes to prove it, he will find it difficult: For, beſides many good Reaſons to oppoſe, I have a fatal Example againſt him, which I wonder he was not aware off; and he muſt give me leave to tell him, that there is no place where Men lie under ſo great Suſpicion of dependency, as in that very Aſſembly, incapable of Increaſe, where he would have this Privilege of being a fixt Body ſolely to remain.

As ſtrong and apt as this Precedent is which I produce againſt him, as weak is his own Example, cited by himſelf in his eighth Page; which he introduces with the Method he is fond of, which is complicating Ideas, and then forming his Arguments upon that part which has nothing to do with the Point in Queſtion: his Words are, *When the Commons were truſted with ſuch a Power, the luſt of Dominion ſoon got the better of their Vertue, they firſt garbled their own Houſe by expelling their refractory Members, then depos'd the King; and at laſt the Houſe of Lords; and aſſumed a greater Tyranny to themſelves than they oppos'd in the Crown.*

To underſtand what Power he means, we muſt go back to the beginning of the Paragraph, where theſe Words are artfully placed at a diſtance. *If the Houſe of Commons were fixt and indiſſolvable, the Government would ſoon devolve into an ill contriv'd Democracy,*

and

and the Crown would have no remedy but acquieſcence or force. Such a Body of Men would feel their own weight, and always think it laudable to encreaſe it, &c. The firſt Word made uſe of is proper, *fixt* is a ſignificant Expreſſion, when we have under conſideration the fixing and limiting the number of Peers; but why is this word *Indiſſolvable* coupled to the other? With a good reaſon indeed, if ſuch an Artifice could paſs upon us, to make that true by the laſt Expreſſion, which is falſe from the firſt, tho' the firſt only relates to the matter in Queſtion.

Were any thing, in the Bill propoſed, tending to make the Houſe of Lords indiſſolvable, that is, that they ſhould be a continuing Body of Men in the ſole exerciſe of Power, whilſt a King were at *Hanover*, or Members of the Houſe of Commons were Hunting at their Country Seats; this indeed would be a juſt Foundation to all the Prophetick Dangers and evil Conſequences which are ſo unjuſtly aſcribed not only to this *harmleſs*, (but *proper*) Expedient for the ſupport of the Government; but I take leave to ſay, when I make uſe of theſe Terms, *Harmleſs*, and *Expedient*, I pretend that both are to the purpoſe; neither do I ſuppoſe any thing, or expect it ſhould be granted, till I have firſt given the Proofs of what I affirm.

There often ariſes this Inconvenience from Eloquence, that ſome Expreſſions which give grace to the Paragraph, do prejudice to the Cauſe

Cauſe. This Writer, before he makes an end of his Period, has ſlung away the eſſential Term, that upon which the whole matter turns, and proves and confeſſes all I could deſire of him to my purpoſe, and againſt himſelf; which is no leſs, than that all this miſchief he complains of was brought about by the Commoners, becauſe they were not a fixt Body, not becauſe they were ſo. Firſt, ſays he, *they garbled their own Houſe by expelling their refractory Members*, &c. Sure it need not be conteſted that the appellation of a *fixt* Body can only be applied to thoſe, whoſe Number can neither be encreas'd or diminiſh'd; and, if this had been the Caſe of that Houſe of Commons, thoſe refractory Members muſt have continued in that Aſſembly, and probably would have prevented all the enſuing Miſchief; thoſe Miſchiefs which were owing ſolely to the latter Expreſſion, their having made themſelves *Indiſſolvable*.

There is ſomething very extraordinary in the Nature of this Debate. The Arguments made uſe of by my Adverſary to his purpoſe, which to me appear weak and inſufficient, I wiſh I could prove them ſtrong and undeniable to recommend my opinion. If this Act were ſufficient to make Lords free in their Votes, and independent upon Miniſters, I think the Repreſentatives of the People of *England* ſhould not only give their conſent to it, but give Millions alſo to obtain it; and as the Lords could do nothing more for the

good of the Nation, than concurring and aſſiſting in all Methods to procure ſuch freedom and independency to the Houſe of Commons; why the Commons ſhould oppoſe any thing that is ſuppos'd to have that effect as to the Upper Houſe, is paſt my Underſtanding. But in truth, the Act makes little or no alteration as to the point of Dependancy, but in one ſingle inſtance; none of the influences the Court has over that Body are weaken'd, or taken away; this Act only prevents a ſingle Blaſt of Wind, a Hurricane from tearing up all by the Roots in the Houſe of Lords, and deſtroying that part of our Conſtitution. For, give me leave to ſay, *That, which by an unnatural Violence makes it uſeleſs, deſtroys it.*

Were the Revenues of the Crown diminiſhed, or taken away; were the Generoſity of our Kings reſtrain'd; were there no ſuch thing left as ſecret Service, or Privy Purſe; were the Places and Preferments of the Government, put into other Hands, than thoſe of the Sovereign, one might ſuppoſe that Lords would become worſe Courtiers than they are; but while thoſe matters ſtand in *Statu quo*; I dare anſwer for their good Breeding and Complaiſance upon moſt occaſions. This Act cannot be ſaid to prevent the influence of a Court in a Houſe of Lords; it would in truth prevent a ſudden inſulting of thoſe who were born Lords, by thoſe who were not ſuch, and never would have been ſuch, but upon

upon ſuch ſcandalous Occaſions; and this is the whole of the matter.

But the King loſes a Prerogative neceſſary to keep the Lords in Subjection; and if the moſt extravagant uſe of it is limited, the Bands of Government are diſſolv'd. Suppoſe the Abuſe of this Power were not a juſt Prerogative of the Crown, all poſſible Care ſhould be taken that it ſhould not become ſo; and if it be *even in this abuſed manner* a Right, which the Crown might pretend to, it is high time it ſhould be limited and reſtrained, as others have been: And ſure there never was ſo proper an Opportunity for it, as when the Generoſity of a King enclines him to procure it. But in regard to our Conſtitution, I take this matter to ſtand upon the ſame foot as what I am going to mention in ſome of the *Grecian* Governments, where there were no poſitive Laws againſt ſome unnatural and deteſtable Crimes, becauſe 'twas eſteem'd that ſuch heinous Facts could never be committed: And ſhall it be pretended ſuch Enormities are allowable, becauſe no publick Authority or ſpecial Law hath condemn'd them? but upon ſuch horrid Improvements in Wickedneſs, when ſome late Miniſters have ſhew'd themſelves capable of ſuch impudent Attempts againſt the Conſtitution, if they are not prevented by the Puniſhment of the firſt who introduced them, or by poſitive Law, it is to be fear'd the evil Preſident will ſoon

mellow into Cuſtom, and in time be defended as a juſtifiable Right in the Crown.

But now let us examin from whence proceeds this Terror of the Lords, or this Power, like to prove ſo formidable and dangerous, either upon the foot they now ſtand, or as their Condition will be when this Bill paſſes into a Law. Indeed there are ſcatter'd up and down in Pamphlets, very dreadful Aſſertions upon this Subject; nothing can ſtand before them; Who, or what Power ſhall clear the Goals of their Priſoners? Who ſhall oblige them to pay Taxes, or ſubmit to the Laws in being? How ſhall the poor Commoners ſave themſelves when under their Diſpleaſure? How ſhall the Crown keep it ſelf from being inſulted? What a weak Defence muſt even the King, the Houſe of Commons, and the People make againſt *this fixt, independent, and dangerous Body*?

But the poor *Miniſters*, why thus expos'd? if the Lords diſlike them, and put them in Priſon, alas! alas! what Remedy for thoſe innocent Creatures? 'Tis true the Devil always aſſiſts them againſt a Houſe of Commons, and brings them off; but Heaven can give them no Protection if the Houſe of Lords fall upon them. Is not this pretty Stuff to offer in a Debate upon one of the moſt important Subjects that ever depended in Parliament, without the leaſt Argument of any Solidity to give Countenance to theſe worſe than *Iriſh* Dreams?

They

They muſt labour againſt Wind and Tide, who endeavour to perſuade that the Peers of *England*, in or out of Parliament, are dangerous to the Conſtitution of *England*, or in the leaſt Condition to inſult or impoſe upon the Crown, or Houſe of Commons; for they will want Arguments and Preſidents to make out what they aſſert, and they will find Reaſon and Experience againſt them.

There never was, nor can the Wit of Man frame a Part of a Government (if of any uſe at all) ſo little diſpoſed to Innovations, or ſo little capable of procuring any dangerous Alterations in the State: This Dignity is neceſſary, were it but for the ornamental part of the Government; and the Author will give me leave to make uſe of his own Words upon this occaſion; for better Expreſſions cannot be found than thoſe he makes uſe of to ſupport Truth. *There is not*, ſays he, *a more certain Maxim in Politicks, than that a Monarchy muſt ſubſiſt by an Army, or Nobility; the firſt makes it deſpotick, and the latter a free Government.* I may then ſay, we muſt lay aſide our King, or allow the Peerage of *England* to be of indiſpenſible neceſſity in this frame of Government: And were this all could be ſaid in their favour; is there more wanting, when they are allow'd to be that part of the Conſtitution which prevent the Monarch from being deſpotick, and make us a free Government?

I was always of opinion that too much Honor

nor was done to the Lords, when they were allow'd to be one of the three Eſtates: It muſt be agreed, that the King is an eſſential part of the Government, from the Weight of his Character, and from the Greatneſs of his Power; he rewards and puniſhes, and can pardon; he has great Revenues to ſupport his Dignity, Guards to ſecure his Perſon, and Armies to defend his Title and Prerogative: That the Houſe of Commons is an eſſential part, and of great Weight in the Ballance, will appear from the Millions they have diſpos'd of within the ſpace of Five and twenty Years laſt paſt: in a word, they have the Wealth of the Nation at command, and are accounted the Repreſentatives of the People, ſo that they have all the Authority that Mony or Men can give them.

What are the Lords? a few in Number, only poſſeſt (as one Author has it) of an *imaginary Dignity*; they repreſent nothing but themſelves, and ſo can have no addition of Strength but from themſelves, they are in no Circumſtances which make them popular, but rather remain a Mark for Envy; the greateſt part of them are poor, and none of them are poſſeſt of a dangerous Wealth; they have no Holdings which procure them Dependencies; they are poſſeſt of no Caſtles, or ſtrong Places, nor have they any Being as to Action, but at the Power of another, that is, when conſider'd as a Body, they are diſſolvable at pleaſure: And can there be a Deſcription of more harmleſs Creatures? I muſt

I muſt have recourſe to an Imagination of the Papiſts, to expreſs my Idea of a Houſe of Lords, in reſpect to our Conſtitution. To our Heaven and Hell they have added a Purgatory; and have made, as I may ſay, a third Eſtate in their Cœleſtial Syſtem; and what is the Idea of this Purgatory? it is a certain Situation, where the great and ultimate Decrees of Providence are not alter'd, but ſuſpended and delay'd: In ſtrictneſs to me it appears that the Houſe of Lords is only in Imagination a third Eſtate; a Situation like Purgatory in this, Affairs paſs indeed thro' that Channel, they reſt there depoſited a while, but the final Directions, and the laſt Stroke to all Buſineſs is given by the ſolid Authority, or irreſiſtible Influences of the Crown, or Houſe of Commons.

But the other Author, * who ſcatters his Notions with more Spleen, and leſs agreeably affirms, that this Scheme might ſet up the Nobles above King and Commons; and after having beg'd leave to ſet this matter in a proper light, I am ſurpriz'd to find him ſo much in the dark as to our Conſtitution, and introducing what he has to ſay with ſo weak and ſo falſe a Suppoſition. *Suppoſe*, ſays he, *the Ballance to be now even between the Lords and Crown, as it certainly is; or elſe the Conſtitution would not ſubſiſt in quiet, is it not plain to the moſt common Capacity, that when two Scales*

* The *Plebeian.*

Scales are upon equal Poiſe, if you take any Weight out of one of them, you give the Advantage to the other? And nothing can be more dangerous, than to vary the Ballance of Power in a limited Monarchy.

The Ballance of Power now even between the Crown and the Lords? Surely this Author is little uſed to Calculations. This Gentleman will be pleas'd to tell me in what part of *Britain* and *Ireland* are quarter'd the Twenty Thouſand diſciplin'd Men which belong to the Lords? I deſire to ſee a Liſt of their Generals and ſubaltern Officers? Where is the Bank at their Command? And where the Mony for the Payment of their Troops? Where their Ammunition, Artillery, and Magazines? In what Ports are their Men of War? and of what Rates are the Ships that compoſe their Naval Force? Where is the Dominion they hold *in Commendam*, equal to the forcing Territories of our King? What Princes are their Allies abroad? and what Numbers of Troops are they oblig'd to furniſh at their Call?

Shall I be anſwer'd, that all this Force and Power belongs not to the King alone? That our Military Men are ſupported with Mony rais'd by the Commons, and conſented to by the Lords? Let this Body be call'd the Army of King and People if they pleaſe; I may grant my Adverſaries many Points which I might conteſt with them, and yet be ſufficiently ſupply'd to defend my Cauſe; let this

Reply

Reply therefore be allow'd to have Force; but however in a Conteſt betwixt the Lords and their Sovereign, much more in a Conteſt betwixt the Lords and the King and Commons united, eſpecially when the Peers are ſuppos'd to act like Madmen, inſulting their Prince and Fellow-Subjects; to which Side would all this Force repair?

But we are ask'd, What ſhall oblige *theſe fixt, independent Lords to comply with the Laws?* My Anſwer is ſhort, either the King, or the Houſe of Commons, the Civil Officers, the Army, or the Mobb.

In my turn let me ask a Queſtion; With what ſhall the Lords ſupport their Follies in Violation of the Conſtitution, againſt ſuch ſolid and irreſiſtible Power? I confeſs it were ſhameful to anſwer ſeriouſly to Perſons who, in my opinion, hardly ſeem to be in earneſt, or to believe what they ſay. Expecting no Reply from them, I will give this anſwer myſelf, The Lords in their greateſt Splendor and Authority, with their Speaker at their Head, what have they to contend with againſt all theſe ſuppoſed Enemies? They have an empty embroider'd Purſe, and a black Rod.

Shall we, to ſatisfy ourſelves, look into our own Hiſtory, or examin the accounts of other Nations; in every Place, in every Age, many Examples and Preſidents will be found to contradict the new Opinions of theſe timorous Politicians: In the fighting Ages of our Monarchy, when Lords were as reſtleſs and tur-

bulent, as they are now quiet and pacifick, was it ever known that they took up Arms againſt the Conſtitution? They never fought for themſelves, or to ſet up this Bugbear Ariſtocracy; they fought the Quarrel of the diſputed Title of their Kings; and yet theſe were Times when they had real Force in their Hands, equal, if not ſuperior to that of their Sovereigns.

The nature of their Order conſider'd and their rank in Government, will ſhew that they can only aim at the preſervation of what they have, and keeping the Conſtitution a foot wherein they enjoy diſtinct Priviledges, which deſcending to their Children, they are as zealous to preſerve them to Poſterity, as to themſelves. The Nature of their Conſtitution is ſuch, that as they are a Bar againſt all others, who would change and overthrow the Frame; ſo they are as naturally the Preſervers of the State againſt the Ambition of any of their own Body.

Who were greater Adverſaries to the Tyrants that aroſe out of the *Patrician* Order, than the Senators of *Rome*; and what Body ever ſo nobly reſiſted all attempts againſt Liberty as the Senate of that famous City; the whole tendency of ſuch an Aſſembly is to ſupport one Head with proper and limited Powers, that they may be preſerv'd equal amongſt themſelves: this induced the Senate to frame and ſupport the Dictatorial Power for a time; and in Exigencies, that they might

might prevent a laſting deſpotick Authority to any of their own Body; theſe were the views of that Auguſt Aſſembly; and their Conduct and Vertue preſerv'd the Eſtabliſh'd Government, till the Luſt of the *Plebeian* for Power, and the Proſtitution of the Soldiery to their Generals, overthrew that noble Frame.

Suppoſe I ſhould eſteem the weight of the Lords and the Commons United only a Feather in the Scale againſt the Crown, this notion may ſeem to be too much in the other extream; I confeſs it is very wide from the Computation of thoſe Writers upon this ſubject, who make the Ballance juſt even between Lords and King; but I own I have no notion of any Ballance at preſent in our Conſtitution ſufficient to ſecure it, againſt evil Miniſters, Peers by Election, and a reſolute Prince.

The only Ballance we can depend upon at preſent, is a juſt Ballance in the Judgment of our Sovereign; our Happineſs depends upon the Equity of his Mind, and the Goodneſs of his Heart; and as a Lover, who hath not a deprav'd Taſte, would rather receive favours from a Miſtreſs by conſent than force; ſo a well judging Monarch will content himſelf with what a conſenting Nation can afford for his and their own Preſervation, and will chuſe to enjoy (with the bleſſings of his People) the juſt Honours, Prerogatives, and Advantages allow'd by the Conſtitution; but in the

fatal Caſe of a Diſpute, the Treatment given a Houſe of Commons by *Cromwell* ſhews too plainly how Parliamentary Aſſemblies may be us'd by a King: I mention only the rough, not the ſweet ways, by which a Parliament may be manag'd; and I hope by this time, taking the whole into Conſideration, we may lay aſide our fears of the Lords being capable to inſult the Crown, or ſubvert the Government, even when aggrandiz'd and fortified with all this Act can give unto them.

Which, give me leave to ſay, will be juſt nothing. Juſt what they were before the paſſing of this Law, the ſame they will be afterwards. What grain of miſchievous Power is added to the Lords by this Bill? All that can be pretended, is a little defenſive Armour afforded them againſt this ſingle Violence, the ſubject matter of this Diſpute, which is ſo juſtly abhorr'd by all.

Tho' it were prov'd that theſe dangerous Lords can do no hurt to others, there yet remains a complaint, they will be able to do too much good to themſelves; all the Places in conſequence of this Bill will be engroſs'd to them and their Families, and Merit and the beſt Parliamentary Talents will be of no uſe in the Houſe of Commons. Seriouſly whoever is of this Opinion, has very little conſider'd the conſequences of this Act. When the Crown is debarr'd the rewarding deſerving Commoners with Titles, in all probability more

more Places will come to their ſhare; for no body can doubt but that they muſt and will be Rewarded. Nay this Law may even bring the blue Ribbon amongſt them, which they give for gone. If this Project does not ſucceed, a Garter can hardly make its way into the Houſe of Commons, and the Reaſon is plain, becauſe the *firſt reward a Commoner expects is a Peerage, that all the reſt may be added unto him*; but if Commoners have Merit, and muſt continue Commoners, in all probability this Reward with all others will be common to them; however, if any Doubt remain upon this Head, for I confeſs this deſerves a peculiar Regard, I take it to be in my power to give entire Satisfaction in few Words: As long as the giving Merit remains amongſt Commoners, let them never doubt but they ſhall receive.

But this runs through this whole Pamphlet, the Aſſertion is ever moſt poſitive, when the Author is moſt in the wrong, of which theſe words are no little Proof. *The Crown can never debaſe the Nobility and make it cheap, without leſſening its own Authority and Power*; this is offer'd like one of the undeniable Elements of *Euclid*, on which all ſubſequent Demonſtrations are to be ſuppos'd infallible.

Not to enter into a thorough Diſpute upon this Head, I offer this Criſis in our *Engliſh* Hiſtory to the Conſideration of my Countrymen; which I take to be the critical Moment,

ment, when the Crown moſt increas'd its Authority and Power, by debaſing and weakening the Nobility. King *Henry* the Seventh has obtain'd the Character of a deep and politick Prince from that very Stratagem, by which he reduced the *Engliſh* Peers; they were condemn'd to be rich, they could not ſell, nor alienate their Fortunes; he graciouſly procur'd them the Liberty of flinging away their Eſtates. Without further Diſpute, I leave it to the World to judge; whether this was an injudicious Step in that Prince, towards encreaſing and ſecuring the Authority and Power of Kings.

I come now (I fear to the Satisfaction of the Reader) to conſider the laſt Paragraph of this Paper, I could not but be pleas'd with it; all the Expreſſions are lively, and the Facts are true.

But even in the laſt part of the Courſe, it ſeems to me, that the Vivacity, the Mettle of the Author, makes him loſe the Race: what can be ſaid with more force againſt his own Sentiments, and with more Conviction for the Merit of the Bill propos'd, *than to affirm* (as he does,) *it had produced a never before known Unanimity amongſt our great Men: It has yoked the Lion with the Lamb: The* Whiggs *with the* Tories, *Men in Power with thoſe they have turn'd out of it.* Indeed there was nothing wanting to a compleat Agreement, but the Company of thoſe who lately turn'd out themſelves,

themſelves, whether by Inclination or Foreſight I cannot determine; and ſurely ſuch an Approbation from Perſons differing in Characters and Intereſts, is the greateſt Proof, that the Project in queſtion is highly requiſite in our preſent Circumſtances, and undoubtedly for the publick good.

FINIS.